

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

DEIDRE AGAN,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

CV 19-83-BLG-SPW-TJC

ORDER

A Motion Hearing was held in this matter on May 19, 2021. (Doc. 80.) The Court heard oral arguments on Defendant BNSF Railway Company's Motions for Summary Judgment (Docs. 41, 49), Motion to Strike Late Disclosed Expert Witnesses and Opinions (Doc. 46), and Motion to Strike Supplement Brief by Plaintiff (Doc. 74); and Plaintiff Deidre Agan's Motion to Reopen/Extend Discovery (Doc. 53).

Based on the reasons stated on the record during the hearing, IT IS
HEREBY ORDERED as follows:

1. BNSF's Motion to Strike (Doc. 46) is **DENIED**;
2. Agan's Motion to Reopen Discovery (Doc. 53) is **GRANTED** for a period of 90 days for the limited purpose of the disclosure and discovery of new and ongoing medical care Plaintiff has received since the close of discovery on

August 28, 2020, as well as any supplementation of non-retained, medical expert disclosures. On or before August 19, 2021, the parties shall file a joint status report, advising whether Plaintiff's medical care and treatment, and discovery regarding her additional medical care, has been completed;

3. BNSF's Motion to Strike Supplemental Brief (Doc. 74) is **DENIED**.
4. The Court will take BNSF's motions for summary judgment (Docs. 41, 49) under advisement.

IT IS ORDERED.

DATED this 25th day of May, 2021.



TIMOTHY J. CAVAN
United States Magistrate Judge